



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : McCune
For : LATEX-BACKED SMOOTH LINER
Serial No. : 10/071,291
Filed : February 11, 2002
Examiner : Hai Vo
Group Art Unit : 1771
Confirmation No. : 2439
Date of Last Office Action : July 28, 2003
Attorney Docket : MAEE 2 12918

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DECLARATION UNDER 37 CFR 1.132

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patrice McCune declares as follows:

1. I am the inventor of the subject matter of the above-identified patent application, which was filed on February 11, 2002.
2. I am an employee of Henkel Consumer Adhesives, Inc., assignee of the 10/071,291 application.
3. I developed a resilient, flexible sheet material comprising a polyolefin top film and a continuous foam layer cast onto the film, which is the subject of the application.
4. I have read and am familiar with U.S. Patent No. 3,223,568 which issued to Alderfer on December 14, 1965.

5. Alderfer describes a method of making a laminate in which a vinyl film is continuously bonded to a large cylinder of a foamed plastic material, such as a foamed latex. The cylinder is rotated and peeled by a moving blade. The blade slices a thin layer off the surface of the foam.
6. From my experience, when a foam body, such as a latex foam as described by Alderfer, is sectioned, the exposed surface is uneven. This is because when the foam is sectioned with a blade, the natural pores in the foam are also sectioned, leaving an uneven, exposed, pocked surface. Additionally, the sectioning process tends to degrade the integrity of the foam, allowing pieces of the foam to crumble and become dislodged from the exposed surface. This uneven surface is very different from a foam material which is cast on to a film.
7. On September 22, 2003, I examined a sample of sheet material which had been prepared according to the methods described and claimed in the 10/071,291 application. Due to the casting process, the surface of the film was relatively smooth to the naked eye, without exposed pores.
8. I also sectioned through the foam with a blade to create an exposed surface similar to that which would be achieved with Alderfer's method. The sectioned pores were clearly visible to the naked eye, giving the surface an uneven appearance. Additionally, the exposed surface had a tendency to crumble.
9. In my opinion, during normal usage on a household shelf, a surface formed by Alderfer's method, without further surface treatment, would rub against the shelf, leading to degradation of the foam over time. In addition, lacking the smooth surface of the cast foam, Alderfer's surface would be likely to minimize the non-slip characteristic of the foam due to the lower surface area contact with the shelf.
10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that

these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: 9/23/03

By: Patrice McCune

Patrice McCune

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